

Reference No: 18/00660/FULL
Parish: Burlescombe 06



TOWN AND COUNTRY PLANNING ACT 1990

APPROVAL OF FULL PLANNING APPLICATION

Name and Address of Applicant:

Ms S Cole
Lower Elms
Burlescombe
EX16 7LD

Name and Address of Agent:

Mrs Jane Pritchett
68 Fairby Close
Tiverton
EX16 6AB

Date Registered : 3rd May 2018

Date of Permission : 4th July 2018

Proposal: Conversion and first floor extension of stables and tack room to studio and holiday let

Location: Lower Elms Burlescombe Tiverton Devon

Site Vicinity Grid Ref: 307118/114723

MID DEVON DISTRICT COUNCIL HEREBY GRANTS FULL PLANNING PERMISSION FOR THE ABOVE DEVELOPMENT

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.
3. (i) The holiday lodge unit hereby approved shall be occupied for holiday purposes only.
(ii) The holiday lodge unit hereby approved shall not be occupied as a person's sole, or main, place of residence.
(iii) The owners/operators shall maintain an up-to-date register of the names of all occupiers of the holiday lodge units hereby approved and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
4. The proposed studio area including any building(s) thereon shall be used for (a Palates and yoga workshop associated with the house Lower Elms,) and for no other purpose (including any purpose in Class (D2) of the Schedule to The Town and Country Planning (Use Classes) Order 1987 (as amended)), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.
5. Prior to the use of any above ground materials first being used on site details or samples of the materials (including colour of render, Brick, Stone, Roof covering, Mortar, paintwork and colourwash) to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details or samples and be so retained.

6. Prior to the installation of windows and doors working details of the new external doors/door frames/windows/rooflights, including sections, mouldings and profiles, finishes and glazing have been submitted to, and approved in writing by, the Local Planning Authority. Installation of the doors/doorframes/windows/rooflights shall be in accordance with these approved details, and be so retained.

REASONS FOR CONDITIONS:

1. In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and in the interests of proper planning.
3. The site is outside of defined settlement limits in the open countryside, where permanent dwellings with unrestricted occupation would be contrary to adopted planning policy, however the application is considered to be in accordance with policy DM24 of the Local Plan part 3 (Development Management Policies).
4. The site is outside of defined settlement limits in the open countryside, where commercial use need to be carefully considered and be appropriately controlled, in accordance with Policy DM20 of the Local Plan part 3 (Development Management Policies).
5. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the area in accordance with Mid Devon Core Strategy (Local Plan 1) COR2 and Local Plan Part 3: (Development Management Policies) DM2 and DM24.
6. To ensure the use of materials appropriate to the development in order to safeguard the character and appearance of the area in accordance with Mid Devon Core Strategy (Local Plan 1) COR2 and Local Plan Part 3: (Development Management Policies) DM2 and DM24.

REASON FOR APPROVAL OF PERMISSION/GRANT OF CONSENT

The site is located in the open countryside and is considered to be in an isolated location, the conversion of this building to a holiday unit and Palates studio would result in a new dwelling and business within the countryside, being justified by the need for further tourism. the proposal is therefore in compliance with the adopted policies of the Mid Devon Local Plan and the National Planning Policy Framework.

In addition, the policy requirements of DM11 of the Local Plan Part 3 (Development Management Policies) are met, as the building is one that is considered to positively contribute towards the areas rural character, by virtue of its design and construction and merits its retention, the conversion works result in minor alteration and rebuilding and the buildings use is redundant.

Specific information has been provided to justify the tourism facilities and to justify a countryside location, by minimising environmental impacts, which respect the character and appearance of the location, and demonstrates that the need is not met by existing provision within nearby settlements. The policy seeks to locate most development within or close to defined settlements; in this case there has been information to justify the provision of the facilities in this location, the short business plan or information to support the viability of the proposed and its long term provision is considered to be acceptable in this instance. The proposed is therefore in compliance with Policy DM24 of the Local Plan Part 3 (Development Management Policies)

Statement of Positive Working

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, in determining this application the Local Planning Authority has worked proactively and positively with the applicant to ensure that all relevant planning considerations have been properly resolved. This has included negotiations and discussions.

In accordance with paragraph 69 of the National Planning Policy Framework, the Local Planning Authority has also involved the community in the consideration of this application.

DEVELOPMENT PLAN POLICIES:

Mid Devon Core Strategy (Local Plan Part 1)

COR2 - Local Distinctiveness
COR18 - Countryside

Mid Devon Allocations and Infrastructure Development Plan Document (Local Plan Part 2)

AL/IN/3 - Public Open Space

Mid Devon Local Plan Part 3 (Development Management Policies)

DM2 - High quality design
DM8 - Parking
DM11 - Conversion of rural buildings
DM14 - Design of housing
DM20 - Rural employment development
DM24 - Tourism and leisure development

Relevant Plans

The plans listed below are those approved. No substitution shall be made.

Plan Type	Reference	Title/Version	Date Received
Proposed	17/COL/04 Rev. B	Elevations	26/06/2018
Proposed	17/COL/03 Rev. C	Floorplans	28/06/2018
Site Location Plan	17/COL/05 Rev A		03/05/2018
Block Plan	17/COL/06 Rev A		03/05/2018

A copy of the approved plans will be available on Mid Devon's online planning facility.

Website: <http://www.middevon.gov.uk/planning>

Mrs Jenny Clifford
Head of Planning and Regeneration
Date: 4th July 2018

THIS DECISION IS NOT A DECISION UNDER BUILDING REGULATIONS AND SEPARATE CONSENT MAY BE REQUIRED. PLEASE CONTACT OUR BUILDING CONTROL DEPARTMENT FOR MORE INFORMATION.

Please refer to notes attached

NOTE – Failure to adhere to the details of the approved plans or to comply with the above conditions constitutes a contravention of the Town and Country Planning Act, 1990 in respect of which enforcement action may be taken.

TOWN AND COUNTRY PLANNING ACT 1990

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against your local planning authority's decision on your application, then you must do so within:
28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If you want to appeal against the Local Planning Authority's decision then you must do so within 6 months of the date of this notice.
- If this is a decision for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at www.planningportal.gov.uk/pcs.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

Purchase Notices

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.
- In certain circumstances, a claim may be made against the Local Planning Authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable is set out in Section 114 of the Town and Country Planning Act 1990.